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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,242	02/06/2001	Matt Beaumont	07319/096001	4078
20985	7590	01/21/2004	EXAMINER	
FISH & RICHARDSON, PC 12390 EL CAMINO REAL SAN DIEGO, CA 92130-2081			LAVARIAS, ARNEL C	
			ART UNIT	PAPER NUMBER
			2872	
DATE MAILED: 01/21/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/778,242

Applicant(s)

BEAUMONT, MATT

Examiner

Arnel C. Lavarias

Art Unit

2872

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1, 2, 7 and 8Claim(s) withdrawn from consideration: 4, 6 and 9-33

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_

THONG NGUYEN  
PRIMARY EXAMINER  
GROUP 2800

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's arguments in After-Final submission filed 12/23/03 (see in particular Pages 2-3) are not found persuasive. Applicant argues that Katagiri '724 fails to teach or reasonably suggest that a specific transmission wavelength for the specific optical filter is stored. Examiner respectfully disagrees. As pointed out by Applicant, Katagiri '724 discloses that data of the center transmission wavelength versus the control parameter for multiple optical filters is stored in ROM. Inherently, this requires that the center transmission wavelength versus the control parameter for at least one optical filter be stored in ROM. Further, the Examiner notes that Claim 1, line 5, recites 'a memory unit', and hence is irrelevant whether the memory unit is written to once (i.e. ROM) or multiple times (RAM), only that the calibration be stored in the memory (which is what Katagiri '724 discloses since the calibration data is stored in ROM). Applicant additionally argues that Mactaggart fails to teach or reasonably suggest a memory table which includes a list of specified colors, and positions for the specified colors, and wherein the positions include the calibration data. The Examiner respectfully disagrees. Mactaggart similarly teaches the use of a calibration table which has been in memory, and that such a calibration table is used to correlate position on the filter with wavelength (See in particular col. 6, line 55-col. 7, line 19 of Mactaggart). Additionally, as stated previously (See Paper No. 13, dated 9/25/03), color is inherently correlated to wavelength, as is known in electromagnetics, and that changes in the center wavelength of a filter alter the 'colors' of light that are transmitted and reflected by the filter. Examiner additionally notes that Applicant's own disclosure discusses the use of transmitted wavelength of light through the filter as an indication of color (See Page 5 of Applicant's disclosure). If Applicant intends the optical filter to only operate in the visible range of wavelengths, such a limitation should be recited in the claims.